

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

CHRISTIAN CASTRO, A#088-067-599

PETITIONER

VERSUS

CIVIL ACTION NO. 5:19-cv-128-DCB-MTP

SHAWN R. GILLIS, Warden Adams County Correctional Center;
and WILLIAM P. JOYCE, Acting Field Director for the
New Orleans Field Office for the Department of Homeland Security

RESPONDENTS

ORDER

This matter is before the Court sua sponte to review the Petition filed pursuant to 28 U.S.C. § 2241 by Petitioner on November 25, 2019. Petitioner is incarcerated at the Adams County Detention Center, Natchez, Mississippi. Because Castro is asserting in his Petition [1] a claim concerning his post-removal detention by the Department of Homeland Security, a § 2241 petition is the proper vehicle to pursue this matter. *See Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001). The proper Respondent however is Petitioner's custodian, Warden Gillis. *See* 28 U.S.C. § 2243; *see Rumsfeld v. Padilla*, 542 U.S. 426, 434-42 (2004) ("[I]n habeas challenges to present physical confinement . . . the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official."). Therefore, Respondent Joyce will be dismissed. Accordingly, it is hereby,

ORDERED AND ADJUDGED that Respondent William P. Joyce, Acting Field Director for the New Orleans Field Office for the Department of Homeland Security, is dismissed.

SO ORDERED, this the 11th day of December, 2019.

s/David Bramlette

UNITED STATES DISTRICT JUDGE